

202 KAR 6:050. PSAP certification.

RELATES TO: KRS 65.7621-65.7643, 9 U.S.C. Sections 1-16, 42 U.S.C. sec. 12101, 47 U.S.C. Sections 153(27), 332(d)

STATUTORY AUTHORITY: KRS 65.7631(4)(a), 65.7633(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 65.7631(4)(a) states that no PSAP shall be eligible to request or receive a disbursement from the CMRS fund unless and until the PSAP is expressly certified as a PSAP by the CMRS Board, upon written application to the CMRS Board. KRS 65.7633 requires the CMRS Board to implement the provisions of KRS 65.7621 to 65.7643 through the promulgation of administrative regulations. This administrative regulation establishes the process by which a PSAP shall establish and maintain eligibility for disbursement from the CMRS fund.

Section 1. Phase I Certification. (1) Certification of a PSAP by the board implies that the board has examined the operation and infrastructure of the requesting PSAP and determined that it is or will be capable of complying with the requirements for handling wireless E9-1-1 calls.

(2) The board shall certify as many PSAPs as possible, recognizing the less stringent technological and operational requirements of Phase I wireless E9-1-1 and the uneven nature of existing E9-1-1 infrastructure in the Commonwealth.

(3) The board shall:

(a) Allow for as much diversity as possible in facilities and operation of E9-1-1 systems across the Commonwealth;

(b) Provide for increasing integrity in E9-1-1 systems statewide; and

(c) Coordinate and assist in the implementation of new technology in the operation of emergency telecommunications in the state.

(4) A PSAP seeking certification shall send to the board, by certified mail, return receipt requested, the following:

(a) A completed "CMRS PSAP Certification Application";

(b) A copy of:

1. Documentation which establishes the PSAPs authority to establish 9-1-1 service in accordance with KRS 65.760;

2. Any existing or proposed agreement between a CMRS carrier and the PSAP;

3. A list of the public safety agencies served by the requesting PSAP and a copy of any agreement between the PSAP and the designated agencies;

4. Any agreement between the requesting PSAP and the contracted wireline E9-1-1 service provider; and

5. A map detailing the area served by the requesting PSAP.

(c) A description of:

1. The mapping and addressing applications including:

a. The location of each database;

b. How each database is maintained; and

c. Who maintains each database.

2. The network and its characteristics currently or proposed to be in use by the PSAP;

3. The customer premises equipment employed by the PSAP in receiving E9-1-1 calls; and

4. Call transfer functions in the PSAP.

(d) Documentation of:

1. Sworn statements that telecommunicators and PSAP management have signed nondisclosure agreements regarding confidential information accessible by them;

2. The disaster recovery application used by the PSAP including:

- a. Default routing and alternate routing of call applications or other contingency applications for rerouting calls in the event of system failure;
- b. Type of backup power equipment installed; and
- c. Evacuation and relocation applications.
- 3. Seven (7) digit service for administrative nonemergency service;
- 4. Telecommunications devices for the deaf in the PSAP;
- 5. A certificate or sworn statement that telecommunicators employed by the PSAP that handles wireless E9-1-1 calls meet the training requirements as required by law; and
- 6. The PSAP's standard operating procedures for the handling of wireless E9-1-1.
- (e) A description of:
 - 1. The PSAP's ability or anticipated ability to handle the data elements associated with wireless E9-1-1 calls; and
 - 2. The anticipated use of the CMRS funds, in accordance with KRS 65.7631.
- (5) Nothing in subsection (4)(b)1 of this section shall prohibit the Kentucky State Police from establishing a public safety answering point as otherwise permitted by law.
- (6) After its initial review, the board shall:
 - (a) Require submission of other necessary documentation; and
 - (b) Schedule an on-site inspection by a member or members of the board.

Section 2. Application for Certification. (1) An application for certification shall be stamped "Confidential". Proprietary information received by the board shall be filed and maintained so as to maintain its confidentiality in accordance with KRS 65.7639 and 202 KAR 6:030.

(2) The board shall review and act upon an application for certification within ninety (90) days of receipt. Board action on the application shall be determined by a simple majority vote.

(3) Within ten (10) business days of its decision, written notice of the board's approval or disapproval of an application shall be sent to the PSAP, certified mail, return receipt requested.

(4) If an application for PSAP certification is disapproved:

(a) The board shall:

- 1. State in its written notice of decision the specific reason for rejection; and
- 2. Schedule a meeting with the PSAP applicant to resolve identified problems.

(b) The PSAP may:

- 1. Submit a revised application to the board for its review and approval or disapproval, following the procedure set out in Sections 1 and 2 of this administrative regulation; or
- 2. Appeal the board's rejection in accordance with KRS Chapter 13B.

Section 3. Revision of an Approved Application. (1) After an application is approved, subsequent changes may be requested by either the PSAP or the board.

(2) The board may review an existing certification and request resubstantiation and reapproval of an application if necessary:

(a) To maintain the integrity of the wireless E9-1-1 system;

(b) To implement Phase II as specified by the FCC;

(c) In the event the board becomes aware of changes or deficiencies that have occurred at a PSAP.

(3) New or revised requirements specified by the board shall be applied to all PSAPs, upon written notice, within a reasonable period, not to exceed ninety (90) days.

(4) A party requesting revision of an application shall send written notice of the requested changes to the other party by certified mail, return receipt requested.

(5) An existing and approved application shall remain in effect until the board has notified the PSAP of its decision on the proposed changes.

(6) The board shall review a request for revision under the procedure designated in Sections 1 and 2 of this administrative regulation.

(7) The board shall decertify a previously approved application and shall discontinue payments to a PSAP, if the PSAP fails, without good cause, to respond in writing to a board request within the time period specified in the request.

Section 4. Phase II Certification. (1) The board shall establish and publish a timetable within which it expects PSAPs to migrate to Phase II in accordance with KRS 65.7625(3)(c).

(2) If the evolving technology necessary to implement Phase II requires additional enhancements to a PSAP's operation, the board shall:

(a) Seek additional documentation and substantiation of a PSAP's continuing ability to handle E9-1-1 calls; or

(b) Impose more stringent requirements to receive or maintain certification.

Section 5. Decertification of a PSAP. The board shall decertify a PSAP if the PSAP:

(1) Has used funds for purposes other than as prescribed by KRS 65.7631 and administrative regulations promulgated pursuant thereto; or

(2) Has not maintained or purchased the necessary technology or infrastructure to comply with evolving requirements.

(3) A PSAP that has been decertified may appeal the decertification in accordance with KRS Chapter 13B.

Section 6. Incorporation by Reference. (1) "CMRS PSAP Certification Application" (12/02/1999) is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the CMRS Board, 200 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (26 Ky.R. 2109; Am. 27 Ky.R. 70; 1772; eff. 12-7-2000; TAm eff. 8-31-2007.)